

CATEGORIES OF RECORDS IN THE SYSTEM:

Responses to questionnaires by physicians, nurses, physician assistants, clinician trainees, and related health personnel, pertaining to knowledge, attitude and practices related to health problems, diseases and/or other potential preventable conditions of public health significance; health care and related training data; and demographic data of the survey population as well as identification data for followup purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Sec. 301 Research and Investigations (42 U.S.C. 241).

PURPOSE(S):

This record system enables CDC officials to assess the impact of the agency's training programs on the knowledge, attitudes and practices of clinicians and others health care personnel, in order to develop improved training curricula and programs for disease prevention and control for such health care personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to CDC contractors in the conduct of training surveys and studies covered by this system notice and in the preparation of scientific reports, in order to accomplish the stated purpose of the system. The recipients will be required to maintain Privacy Act safeguards with respect to such records.

Disclosure is also made to CDC contractors for the purpose of collating, analyzing, aggregating or otherwise refining records in this system. Relevant records are maintained by the contractors. The contractors are required to maintain Privacy Act safeguards with respect to such records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Such disclosure will be made only at the explicit request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Computer tapes and file folders.

RETRIEVABILITY:

Name of individual respondent, identification number, and type of training received are some of the indices

uses to retrieve records from this system.

SAFEGUARDS:

Questionnaires and data are maintained in locked containers in secured area. Keys which link I.D. numbers to names are stored separately with access limited to CDC Project Officer, interviewer, system manager, and designated contractor personnel. Locked computer rooms, with access limited to authorized personnel. The contractor is required to maintain confidentiality safeguards with respect to these records. The participants will be assured that published data will be in a format that precludes identification. The safeguards described for nonautomated records are in accordance with Chapter 45-13 in the General Administration Manual, and the supplementary PHS Chapter. For computerized records, safeguards are in accordance with HHS/ADP System Security Manual, Part 6.

RETENTION AND DISPOSAL:

Source documents for computer will be maintained for two years and then transferred to a Federal Records Center where they are destroyed after 12 years, unless needed for further analysis.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Center for Prevention Services,
Centers for Disease Control, Building
1, Room 3007, Atlanta, Georgia 30333.
Director, Laboratory Program Office,
Centers for Disease Control, Building
1, Room 107, Atlanta, Georgia 30333.

NOTIFICATION PROCEDURE:

An individual may learn if a record exists about himself or herself by contacting the first System Manager at the address above. Requesters in person must provide positive identification. Individuals who do not appear in person must either (1) submit a notarized request to verify their identity, or (2) must certify that they are the individuals who they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense under the Privacy Act subject to a \$5,000 fine.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also specify nature of the training or survey questionnaire, and name of clinic/organization in which employed at time of training or survey participation.

CONTESTING RECORD PROCEDURES:

Contact the system manager and reasonably identify the record, specify the information to be contested, and state the corrective action sought, with supporting justification.

RECORD SOURCE CATEGORIES:

Individuals in the system and selected clinics which employ individuals who are in the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-17861 Filed 6-29-83; 8:45 am]

BILLING CODE 4160-19-M

National Center for Health Services Research; Assessment of Medical Technology

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety, clinical effectiveness, appropriateness, and use (indications) of streptokinase infusion for acute myocardial infarction (thrombolytic therapy). Specifically, we are interested in clinical data to answer the following questions: (1) Is thrombolytic therapy by direct arterial catheterization for acute myocardial infarction (AMI) safe and effective as a treatment for heart attacks? (2) If so, does this method have significant advantages or disadvantages in comparison with other procedures, such as intravenous infusion of streptokinase, or usual care in coronary care units? (3) Are there specific medical indications for use of thrombolytic therapy which should be reflected in medical guidelines?

For the purposes of this announcement, streptokinase therapy is defined as a procedure that is performed by threading a catheter into a blocked coronary artery, injecting an enzyme, usually streptokinase, to limit heart damage by the lysis of thrombi obstructing coronary arteries.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with

information relevant to this assessment should do so in writing no later than September 30, 1983, within 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies and other information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the effectiveness of this technology. Proprietary information is not being sought, but published commercial information may be submitted.

Written material should be submitted to: Dr. Rita K. Chow, National Center for Health Services Research, Office of Health Technology Assessment, Park Building, Room 3-10, Stop #2, 5600 Fishers Lane, Rockville, Maryland 20852.

Further information is available from Dr. Chow, Health Service Analyst, at the above address or by telephone, (301) 443-4990.

Dated: June 20, 1983.

Harold Margulies,
Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 83-17706 Filed 6-29-83; 8:45 am]

BILLING CODE 4180-17-M

Office of the Secretary

Office of the Inspector General; Delegation of Authority to Issue Subpoenas

Notice is hereby given of delegation by the Inspector General to the Deputy Inspector General, the Assistant Inspector General for Investigations, the Assistant Inspector General for Auditing, the Assistant Inspector General for Health Financing Integrity, and the Assistant Inspector General for Program Inspections, of the authority vested in the Inspector General by section 205 (a)(3) of Pub. L. 94-505 (42 U.S.C. 3525). Section 205 (a)(3) authorizes the Inspector General to subpoena the production of all information, documents, reports, answers, records, accounts, papers and other data and documentary evidence necessary to carry out any investigation, audit or other proceeding authorized or directed under Title II of Pub. L. 94-505.

The delegation authorizes the redelegation of this authority to any regional official who reports directly to one of the above-named officials. The authority may not be redelegated further.

The delegation superseded prior delegations of authority to issue subpoenas published at 44 FR 44949 (July 31, 1979) and 45 FR 65043 (October 1, 1980).

The Inspector General has not limited his authority to issue subpoenas by this delegation.

The delegation is effective immediately upon publication of this notice in the Federal Register.

Dated: June 21, 1983.

Dale W. Sopper,
Assistant Secretary for Management and Budget.

[FR Doc. 83-17818 Filed 6-29-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

June 14, 1983.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the Tolowa-Tututni Tribe of Indians c/o Nele-Chun-Dun Business Council, Inc., Box 388, Fort Dick, California 95538, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs on April 18, 1983. The petition was forwarded and signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be by mail to the petitioner and other interested parties at the appropriate time.

Under § 83.8(d) (formerly § 54.8(d)) of the Federal regulations, interested parties may submit factual or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the Bureau of Indian Affairs files.

The petition may be examined by appointment in the Division of Tribal Government Services, Bureau of Indian Affairs, Department of the Interior, 18th

and C Streets, NW., Washington, D.C. 20242.

Kenneth Smith,
Assistant Secretary—Indian Affairs.

[FR Doc. 83-17842 Filed 6-29-83; 8:45 am]

BILLING CODE 4310-02-M

Colville Confederated Tribes, Washington; Ordinance Providing for the Regulation of Intoxicating Beverages

June 14, 1983.

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that the Colville Liquor Control Code Resolution 1982-777 was duly adopted by the Colville Business Council on December 21, 1982. It relates to the application of the federal Indian Liquor Laws within the areas of Indian country under the jurisdiction of the Colville Confederated Tribes. The Colville Liquor Control Code reads as follows:

Kenneth Smith,
Assistant Secretary—Indian Affairs.

Resolution 1982-777

Whereas, it is the recommendation of the Law and Justice Committee to approve the attached Tribal Liquor Code.

Therefore, be it resolved, That we, the Colville Business Council, meeting in Special Session, this 21st day of December, 1982, at the Colville Indian Agency, Nespelem, Washington, acting for and in behalf of the Colville Confederated Tribes, do hereby approve the recommendation of the Law and Justice Committee of the Business Council.

The foregoing was duly enacted by the Colville Business Council by a vote of 10 For 2 Against, under authority contained in Article V, Section 19(a) of the Constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians on February 28, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

Attest:
Al Aubertin,
Chairman, Colville Business Council.

cc:
H. Moses, Jr. **B. Widdifield**
A. Dupris

Title 21 Colville Tribal Code—Colville Confederated Tribes Liquor Control Code

Legislative Findings and Purposes

21.01 *Name:* This code shall be known as the "Colville Liquor Control Code."

21.1.02 *Findings:*

(a) The introduction, possession and sale of liquor on Indian reservations has been clearly recognized as a matter of special concern to Indian tribes and to the United States for more than 150 years. *United States v. Sandoval*, 231 U.S. 28 (1913); 18 U.S.C. 1161; 18 U.S.C. § 1154.

(b) In the year 1953 the Business Council of the Colville Confederated Tribes acting under its inherent powers as the government of the Colville Indian Reservation and under powers delegated to it by the United States adopted a resolution permitting the sale or, and possession of alcoholic beverages within the boundaries of the reservation, subject to the laws of the State of Washington.

(c) Under present conditions the Business Council of the Colville Confederated Tribes finds it necessary to more closely control the sale, distribution, and possession of alcoholic beverage within the boundaries of the Colville Indian Reservation. The sale, distribution and possession of such beverages has become a major or sole portion of the trade of many businesses which have been established on the Colville Indian Reservation affecting the people of the reservation and the schools, churches and other agencies of social betterment which have been established on the reservation.

(d) Present day circumstances make a blanket grant by the Tribes to the State of Washington of liquor regulation and taxation ineffective and unrealistic. At the same time a need exists for strict tribal regulation and control over liquor distribution.

(e) In order to operate a system for control of liquor on the reservation, the Business Council finds that appropriate license fees and taxes must be assessed against all distribution of liquor on the reservation, where such fees and taxes do not violate the Constitution of the Colville Confederated Tribes or federal law.

(f) The enactment of a tribal code governing liquor sales and distribution on the reservation, providing for taxation and licensing of all business entities selling or distributing alcohol beverages within the boundaries of the reservation will increase the ability of the tribal government to control the reservation liquor distribution, sale and possession, and at the same time will

provide an important source of revenue for the continued operation of specific delivery of governmental services to the residents of the reservation.

(g) The Colville Business Council finds that alcohol related criminal and family problems are the single greatest cause of social conflict among the people of the Colville Indian Reservation.

(h) The Business Council finds that the present system of regulation by adoption of State law has been found over the course of thirty years to be inadequate to the needs of the members of the Colville Confederated Tribes and the residents of the Colville Indian Reservation.

(i) The Business Council finds that Tribal regulation of the introduction, sale distribution and possession of liquor on the reservation is necessary to protect the health, security and welfare of all persons and property on the reservation.

(j) The Business Council further finds it necessary to raise additional revenues for the Tribal Alcohol Rehabilitation Program and tribal law enforcement agencies and to provide for their expansion and increased efficiency.

(k) The Business Council further finds it necessary to raise additional revenues to provide funds for other tribal social programs.

(l) For these reasons, the Business Council finds it necessary to enact this Liquor Control Code establishing the Colville Liquor Control Board and regulating the introduction, sale, taxation, distribution and possession of liquor on the Colville Indian Reservation.

21.1.03 *Introduction, Sale, Distribution and Possession of Liquor:* The introduction, sale, distribution and possession of liquor shall be lawful within the Indian country under the jurisdiction of the Confederated Tribes of the Colville Indian Reservation and within the exterior boundaries of the Colville Indian Reservation only when such activities are in conformity with the code. Such introduction, sale, distribution and possession shall be in conformity with the laws of the State of Washington when required by 18 U.S.C. 1161, enacted August 15, 1953, and as provided in this code and regulations and orders of the Colville Liquor Control Board.

21.1.04 *Conformity with Federal Law:* This Code shall govern the introduction, sale, distribution and possession of liquor within the Colville Indian Reservation pursuant to federal law and to Resolution 1953-50 passed on October 9, 1953 by the Colville Business Council and published in the Federal Register, Volume 18, No. 230, on

November 25, 1953; and shall supersede and amend all prior enactments of the Business Council inconsistent with this Code.

Definitions

21.2.01 *Alcohol:* The term "alcohol" means that substance known as ethyl alcohol, hydrated oxide or ethyl, or spirit of wine, which is commonly procured by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance.

21.2.02 *Beer:* The term "beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by weight and not less than one-half of one percent of alcohol by volume. Any such beverage, including ale, stout and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer."

21.2.03 *Brewer:* The term "brewer" means any person engaged in the business of manufacturing beer and malt liquor.

21.2.04 *Board:* The term "board" means the Colville Liquor Control Board.

21.2.05 *Council:* The term "council" means the Business Council of the Colville Confederated Tribes.

21.2.06 *Consume:* The term "consume" means the putting of liquor to any use whether by drinking or otherwise.

21.2.07 *Distiller:* The term "distiller" means a person engaged in the business of distilling spirits.

21.2.08 *Employee:* The term "employee" means any person employed by the Board.

21.2.09 *Fund:* The term "fund" means liquor revolving fund.

21.2.10 *Interdicted Person:* The term "interdicting person" means a person to whom the sale of liquor is prohibited by an order of interdiction filed with the Board pursuant to this Code.

21.2.11 *Liquor:* The term "liquor" means the four varieties of liquor (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combination thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid,

semi-solid, solid, or other substance which contain more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

21.2.12 Manufacturer: The term "manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

21.2.13 Malt Liquor: The term "malt liquor" means beer, strong beer, ale stout and porter.

21.2.14 Package: The term "package" means any container or receptacle used for holding liquor.

21.2.15 Person: The term "person" means an individual, co-partnership, association or corporation.

21.2.16 Public Place: The term "public place" means streets and alleys of incorporated cities and towns; state, county, township or tribal highways or roads; buildings and grounds used for school purposes, rodeo grounds, parks, tribal ceremonial grounds, public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this Ordinance; soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages and other public conveyances of all kinds and character and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly-owned bathing beaches, parks or playgrounds and all other places of like or similar nature to which the general public has unrestricted right of access and which are generally used by the public.

21.2.17 Regulations: The term "regulations" means regulations made by the Board under the power conferred by this Ordinance.

21.2.18 Reservation: The term "reservation" means the Colville Indian Reservation, including all land and water within the exterior boundaries thereof.

21.2.19 Sale/Sell: The terms "sale" and "sell" means exchange, barter and traffic; and also includes the selling or supplying or distributing by any means whatsoever of liquor, or of any liquid known or described as beer, by any name whatever commonly used to described malt or brewed liquor, or of wine, by any person to any person; and also includes a sale or selling within the reservation to a foreign consignee or his agent.

21.2.20 Spirits: The term "spirits" means any beverage which contains

alcohol obtained by distillation, including wines exceeding seventeen percent (17%) of alcohol by weight.

21.2.21 Store: The term "store" means a tribally-owned or individually-owned and operated store licensed under this Code.

21.2.22 Tribes: The term "tribes" means the Confederated Tribes of the Colville Indian Reservation, Washington.

21.2.23 Vendor: Term "vendor" means a person licensed by the Board as a store manager under this Ordinance.

21.2.24 Wine: The term "wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar to which any saccharine substance may have been added before, during or after fermentation and containing not more than seventeen percent (17%) of alcohol by weight.

21.2.25 Wholesale Price: The term "wholesale price" means the established price for which liquor, beer, and wine products are sold to the Colville Confederated Tribes or to any licensed operator by the manufacturer or distributor exclusive of any discount or other reduction.

21.2.26 Liquor Products Outlet: The term "liquor products outlet" means any retail sales business selling liquor, beer, or wine in sealed packages within the boundaries of the Colville Indian Reservation.

21.2.27 Tavern: The term "tavern" means any retail sales business selling beer, liquor or wine not in sealed packages, that is "by the drink," within the boundaries of the Colville Indian Reservation.

21.2.28 Operator: The term "operator" means any person employed or licensed by the Colville Liquor Board to operate a liquor outlet.

21.2.29 Distribute: The term "distribute" means to deliver or sell liquor products prior to retail sale.

Sale of Liquor

21.3.01 Minimum Age of 21: Except as otherwise provided by tribal or federal law, an employee in a tribally licensed outlet or tavern may sell liquor to any person over the age of 21 years for beverage purposes.

21.3.02 Proof of Minimum Age: Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following official issued cards of identification which shows his correct age and bears his signature and photograph:

a. Liquor control authority card of identification of any state.

b. Driver's license of any state or "Identicard" issued by the Washington State Department of Motor Vehicles.

c. United States active duty military identification.

d. Passport.

e. Colville Tribal identification card.

21.3.03 Regulations Regarding Identification: The Board may adopt such regulations as it deems proper covering the acceptance of such identification cards.

21.3.04 Cash Sales Only: No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash.

21.3.05 Sealed Packages may be Required—Exception: The Board shall by regulation prescribe that any or all liquors other than malt liquor be delivered to any purchaser at a tribally licensed outlet only in a package sealed with the official tribal tax stamp.

21.3.06 Consumption on Tavern Premises: No employee in a tribally licensed tavern shall allow any container of liquor sold on the premises to be taken from the premises; provided malt liquors may be taken from the premises.

21.3.07 Consumption on Outlet Premises: No employee in a tribally licensed liquor outlet shall open or consume, or allow to be opened or consumed any liquor on the store premises.

21.3.08 Sunday Closing: No sale or delivery of liquor shall be made on or from the premises of any tribal liquor store, nor shall any store be open for the sale of liquor on Sunday before the hour of 12:00 noon.

21.3.09 Record of Purchases: All records whatsoever of the Board showing purchases by any individual of liquor shall be deemed confidential, and, except subject to audit by the Tribal auditor, shall not be permitted to be inspected by any person whatsoever except by employees of the Board to the extent permitted by the regulations; and no member of the Board and no employee whatsoever shall give out any information concerning such records and neither such records nor any information relative thereof shall be competent to be admitted as evidence in any court or courts except in prosecution for illegal possession or of sale of liquor.

21.3.10 Interdicted Persons: No tribally licensed outlet or tavern shall sell liquor to a person that the outlet or tavern owner knows, or should have known, has been found to be an habitual alcoholic by order of the Colville Tribal

Court. When the Liquor Board finds that such a sale to an interdicted person has been made, the Board shall suspend the tribal license of the outlet or tavern for not less than thirty days nor more than one year. Appeals of such a suspension shall be directly to the Tribal Court but such an appeal shall not stay the suspension during the process of the appeal.

21.2.11 Intoxicated Persons: No tribally licensed outlet or tavern shall sell liquor to any buyer when, from the physical appearance of the buyer at the time of the sale, it could be reasonably believed or understood that the buyer was intoxicated. Any owner of a liquor outlet or tavern found to have made a sale to such a buyer by the Colville Tribal Court, shall be, in any action for civil damages against the buyer and owner, jointly and severally liable in damages for any injury for which the buyer is found liable, and which injury occurs within eight (8) hours after the sale by the outlet or tavern to the buyer, and which injury is caused by the intoxication of the buyer.

Colville Liquor Control Board

21.4.01 Creation of Board: The Colville Liquor Control Board shall be comprised of three persons appointed by the Council for two year terms and paid a stipend and expenses as fixed by the Council.

21.4.02 Terms of Office: Two Commissioners of the Board shall hold office until January 1, 1984 and one Commissioner of the Board shall hold office until January 1, 1985. Commissioners appointed to fill positions of members whose terms of office have expired shall hold office for the ensuing two-year term. Commissioners shall hold office after expiration of their terms of office until their successors are fully appointed and approved.

21.4.03 Ineligibility: No member of the Board shall be at the same time a member of the Colville Business Council, or have ever been convicted of a felony crime in any jurisdiction.

21.4.04 Removal from Office: A Commissioner may be removed from office by the Council upon conviction of a crime, or for gross neglect of duty, misfeasance in office, or ineligibility to serve as a member of the Board. Specific written charges shall be served upon the member of the Board at least 10 days before a Council hearing upon the matter, and he shall be given an opportunity to answer the charges at the hearing. If the Commissioner refuses to appear before the Council, the Council shall proceed to vote upon his removal.

The decision of the Council shall be final.

21.4.05 Vacancy and Interim Appointment: If a member of the Board shall die, resign, be incapacitated, leave the area of the Reservation or be removed from office, a vacancy on the Board shall be created automatically, and at its next regular or special meeting, the Council shall appoint an eligible person to fill the vacant position for the remainder of the term of office of the member of the Board whose position he is to fill.

21.4.06 Chairman: The Chairman of the Board shall be appointed by the Board.

21.4.07 Bond: Each Commissioner shall enter into a surety bond executed by a surety company authorized to do business in the State of Washington, payable to the Council, to be approved by the Council in the penal sum of \$10,000.00, conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office as provided herein.

21.4.08 Oath of Office: Each Commissioner shall take the following oath of Office:

"I promise to execute faithfully all provisions of the Colville Liquor Control Code and any regulations promulgated in furtherance thereof and to be bound by the Colville Law and Order Code, the jurisdiction of the Tribal Court, and the Constitution and By-Laws of the Confederated Tribes of the Colville Indian Reservation, and to perform faithfully my duties as prescribed by law."

21.4.09 Administration and Employees: The administration of this code shall be vested in the Board which may employ such number of employees as in its judgment are required from time to time. Board employees shall be paid pursuant to a salary schedule established by the Council.

21.4.10 Audit: The books, records and affairs of the Board shall be audited annually as part of any general audit of the books, records and affairs of the Colville Confederated Tribes.

21.4.11 Regulation by Board: For the purpose of carrying into effect the provisions of this Code according to their true intent or of supplying any deficiency therein, the Board may make such regulations and issue such order not inconsistent with the spirit of this Code as are deemed necessary or advisable. All such regulations and orders shall have the same force and effect as if incorporated in this Code. Without limiting the generality of the foregoing provisions it is declared that the power of the Board to make

regulations and issue order shall include the power to:

a. Regulate the equipment, management, nature of books and records and reports concerning stores and warehouses in which tribal liquor is sold or kept.

b. Govern the purchase of liquor by the Tribes and the furnishing of liquor to persons licensed under this Code.

c. Determine the classes, varieties and brands of liquor to be kept for sale at any store on the Reservation.

d. Prescribe the hours during which liquor stores shall be open.

e. Provide the issuing and distribution of price lists showing the price to be paid by purchasers for each variety of liquor kept for sale under this Code.

f. Prescribe an official seal and official labels and stamps, if any, and determining the manner in which they shall be attached to every package of liquor sold or sealed under this Code.

g. Provide for the payment by the Board in whole or in part or carrying charges on liquor shipped by freight-express.

h. Prescribe forms to be used for purposes of this Code of regulations.

i. Prescribe the manner of giving and serving notices required by this Code of regulations, where not otherwise provided for in this Code.

j. Specify and regulate the time, manner, method and means by which manufacturers shall deliver liquor within the Reservation; and the time, manner, methods and means by which liquor may be lawfully conveyed or carried within the Reservation.

k. Provide for getting of fidelity bonds by and for all of the employees of the Board.

l. Prescribe methods of manufacture, condition of sanitation, standard of ingredients, quality and identity of alcoholic beverages manufactured, sold, bottled or handled by the Board.

m. Seize, confiscate and destroy all alcoholic beverages manufactured, sold, or offered for sale within the Reservation which do not conform or whose manner of sale or distribution do not conform in all respects to the standards prescribed by this Code or the regulations and orders of the board.

n. Determine the localities within the Reservation where liquor stores or outlets shall be established and the number and situation of such stores within each locality.

o. Establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquor for the purposes of this Code.

p. Determine the nature, form and capacity of all packages to be used for

containing liquor kept for sale under this Code.

q. Execute or cause to be executed all contracts, papers, and documents in the name of the Board under such regulations as the Board may fix.

21.4.12 Purchase of Liquor by Board: Every order for the purchase of liquor shall be authorized by the Board, and no order for liquor shall be valid or binding unless it is so authorized and signed by two members of the Board.

21.4.13 Immunity From Personal Liability: Neither the Board nor any Commissioner thereof shall be personally liable in any action at law for damages sustained by any person because of any action performed or done or omitted to be done by the Board or any employee of the Board in the performance of his duties and the administration of this Code.

21.4.14 Preemption of Field by Tribes: No municipality, city, town or country, nor the State of Washington, shall have power to impose an excise or any other tax upon liquor as defined in this Code, or to govern or license the sale or distribution thereof in any manner within the Colville Indian Reservation, except as permitted in the regulations of the Board.

21.4.15 Inspection of Records: For the purpose of obtaining information concerning any matter related to the administration or enforcement of this Code, the Board, or any person appointed by it in writing for the purpose, may inspect the books and records of any manufacturer or drugstore doing business on the Reservation and of any common carrier operating within the Reservation who possesses liquor within the boundaries of the Reservation. Every person who neglects or refuses to produce or submit for inspection any records referred to in this section when requested to do so by the Board or a person appointed by it, shall be guilty of a violation of this Code.

Liquor Revolving Fund

21.5.01 Creation of Fund: There shall be a fund, known as the "Liquor Revolving Fund" which shall comprise all taxes, fees, penalties, forfeitures, and all other monies, income or revenue received by the Board.

21.5.02 Custodian of Fund: The Board shall be custodian of the fund.

21.5.03 Individual Indian Money Account: The fund shall be kept in an Individual Indian Money account at the Colville Indian Agency. All monies received by the Board or any employee thereof, except an amount of petty cash fixed by the Board, shall be deposited each day into the fund.

21.5.04 Disbursement: Disbursement from the fund shall be on authorization of the Board or a duly authorized representative thereof.

21.5.05 Use of Revenue: All revenue derived from the Colville Liquor Control Code shall be used in accordance with this section. All revenue shall be specially earmarked and used only for the following purposes:

- a. Costs and expenses of the Liquor Board,
- b. Colville Alcohol Rehabilitation Program,
- c. Colville Law Enforcement, and
- d. Tribal Social and Judicial Programs.

Exemptions

21.6.01 Home Use: Nothing in this Code shall apply to wine or beer manufactured in any home for consumption therein, and not for sale.

21.6.02 Sale to Board: Nothing in this Code shall apply to or prevent the sale of liquor by any person to the Board.

21.6.03 Shipment in Commerce:
a. Nothing in this Code shall prevent any person licensed by the United States to manufacture liquor from keeping liquor in his warehouse or place of business.

b. Nothing in this Code shall prevent the trans-shipment of liquor in interstate and foreign commerce; but no person shall import liquor into the Reservation from the State of Washington or any other state or county, for use or sale on the Reservation, except the Board; except as otherwise provided in this Code.

c. Every provision of this Code which may affect transactions of liquor between a person in the Reservation and a person in the State of Washington or another state or foreign country shall be construed to affect such transactions only insofar as the Colville Business Council has power to make laws in relation thereto.

21.6.04 Religious Use: Nothing in this Code shall apply to alcoholic beverages used in a bona fide religious ceremony.

Pharmaceutical Preparation, Patent Medicines, Denatured Alcohol

21.7.01 Nothing in this Code shall apply to or prevent sale, purchase or consumption of:

- a. Any pharmaceutical preparation containing liquor which is prepared by a druggist according to a formula of the pharmacopoeia of the United States or the dispensatory of the United States; or
- b. Any proprietary or patent medicine; or

c. Wood alcohol or denatured alcohol, except in the case of the sale, purchase, or consumption of wood alcohol or denatured alcohol for beverage

purposes, either alone or combined with any other liquid or substance.

Independent Operators License

21.8.01 Upon adoption of appropriate regulations by the Board, any person may apply to the Board for a license to operate a liquor products outlet or tavern on any lands within the Boundaries of the Colville Indian Reservation. Liquor Products Outlets and Taverns shall not be licensed to operate on the same premises.

21.8.02 The Liquor Board shall decide which applicants if any shall receive a license under this section. The Board shall give written reasons why a license is to be denied or terminated after an open hearing on the license. Each license granted shall specify what liquor products are authorized to be sold, shall specify any restrictions on the license and shall be issued for one year. Licenses shall be automatically renewed upon payment of any license fee and taxes due, unless the Board shall decide against renewal in writing and after a hearing in which the applicant may give reasons why a license shall not be denied. No person shall hold more than one liquor outlet and one tavern license at one time.

21.8.03 The Board in determining which applicant, if any, shall receive a license under this section, shall consider the current number of liquor outlets and taverns in operation in one geographic area, the reputation of the applicant and the establishment to be licensed, and shall not act so as to frustrate the central purposes of this act by allowing the unnecessary proliferation of liquor product outlets or taverns or by licensing an establishment which violates the peace and welfare of the people of the Colville Indian Reservation. Appeals from denial or cancellation of a license shall be to the Tribal Court of the Colville Tribes. Appeals shall be on the Board record and not stay the effect of the denial or cancellation. The exclusive ground for appeal shall be that the applicant was denied due process or equal protection of the law in denying or cancelling the license.

21.8.04 A licensee under this section shall be deemed to be an operator of a liquor product outlet or tavern and shall manage the outlet in a way that does not violate the laws of the Colville Confederated Tribes. The licensee shall comply with all parts of this Code, and with all rules and regulations established by the Liquor Board, and shall stipulate in the license that for purposes of this Code the licensee shall be subject to the civil jurisdiction of the

Tribal Court of the Colville Confederated Tribes.

21.8.05 The license fee when applicable for a liquor outlet or tavern shall be \$250.00 per year, due January 31st of each calendar year, and shall not be proratable; or whatever fees shall be set by the Board.

Distribution of Liquor Products on the Colville Indian Reservation

21.9.01 All persons, businesses, or entities of any sort distributing liquor products to businesses or persons within the boundaries of the Colville Indian Reservation are subject to the provisions of this Code.

21.9.02 All persons, businesses or entities of any sort, distributing liquor products to businesses or persons within the boundaries of the Colville Indian Reservation shall be required to obtain a license from the Liquor Board.

21.9.03 Unless changed by regulation the sole distributor of liquor products on the Colville Indian Reservation shall be the liquor board; provided, that distributors when properly licensed under this code may distribute beers and malt liquors on the Colville Indian Reservation.

21.9.04 Any person or entity which does distribute liquor products to any person or business located within the boundaries of the Colville Indian Reservation at a time when such person or entity is not validly licensed to do business by the Liquor Board shall be in violation of this Code and in violation of applicable Federal Indian liquor laws.

21.9.05 The Liquor Board shall receive applications for licenses to distribute liquor products and shall decide whether to grant any application within 90 days of filing with the Board. The processing cost shall be \$30.00 or such larger amount as the Board may determine. Upon the granting of a license to distribute the applicant shall pay the full processing cost.

21.9.06 An annual fee, when applicable, of \$250.00, or such larger amount as the Board may determine, shall be charged for each license to distribute. All such fees shall be due and owing on January 31st of each year. Licenses to distribute shall expire of February 1st of each year unless the annual fee has been paid. Persons or entities holding expired licenses to distribute may apply for a new license under part .05 above.

21.9.07 Persons or entities holding licenses under this section shall be required to subject themselves in writing to the civil jurisdiction of the Colville Confederated Tribal and its Tribes Court of the purpose of this Code.

21.9.08 The Liquor Board may grant, deny or cancel a license to distribute at any time and for any reason, and shall deny or cancel a license for failure to pay taxes or failure to abide by the laws of the Colville Confederated Tribes or failure to abide by the applicable state or federal laws.

Special Retail License For Non-Profit Club or Other Organization

21.10.01 The Board, upon written petition, may issue a license similar in effect to the Washington State Class H Liquor license as defined and limited in Revised Code of Washington Section 66.04.010(5), 66.24.400, 66.24.410, 66.24.420, 66.24.450, to a club or fraternal organization; provided that the Board shall determine the fee, where applicable, to be charged for each category of license and any time limits of the license, and that R.C.W. Section 66.24.450(1) shall not apply to decisions of the Board.

Tax Rates

21.11.01 A tax amounting to precisely the same amount of tax collected by the State of Washington on the same or similar liquor item shall be assessed and collected by the Liquor Board, unless some other amount is determined by Liquor Board Regulations. The tax shall be imposed directly on the goods sold and shall be collected from the seller. Taxes shall be paid by each taxpayer under this Code to the Board on the fifteenth day of each month for all liquor products sold or delivered during the preceding month. Unpaid taxes shall accumulate simple interest at a rate of 18% per year.

21.11.02 The Board shall collect taxes due by bringing civil lawsuits against delinquent sellers in the Tribal Court or other Court having jurisdiction. The Board shall bring these tax collection suits in its own name or in the name of the Colville Confederated Tribes. The Board, with an appropriate Tribal Court Order, shall have the power to seize and sell any property of delinquent distributors for taxes and interest due.

21.11.03 Taxes collected by the Board shall be held in a trust account until paid over by the Board to the Treasurer of the Colville Confederated Tribes.

21.11.04 The Board shall have the power to allow or license its own agent to be the sole retailer or distributor of certain liquor products within the boundaries of the Colville Indian Reservation.

Sovereign Immunity Preserved

21.12.01 Nothing in this Code is intended or shall be construed as a waiver of the sovereign immunity of the Confederated Tribes of the Colville Reservation. No member of the Liquor Board or manager or employee of the Liquor Enterprise is authorized to waive the immunity from suit of the Colville Confederated Tribes.

Other Business

21.13.01 A licensee under this Code may conduct other business simultaneously with the management of a liquor products outlet. The other business may be conducted on the same premises.

Operating Without a License

21.14.01 No person shall operate a liquor product outlet or tavern within the boundaries of the Colville Indian Reservation without first obtaining a current and valid Tribal license under this Code; persons in violation of this section shall be considered to be in violation of all federal Indian liquor laws and regulations as well as in violation of this Code.

Violations

21.15.01 The Liquor Board of the Colville Confederated Tribes shall have the following powers to enforce the Code.

21.15.02 Non-Payment of Taxes:

a. Any person or entity within or doing business within the boundaries of the Colville Indian Reservation who shall not pay the taxes required to be paid under this Code shall be proceeded against in the Tribal Court of the Colville Confederated Tribes.

b. The Tribal Court of the Colville Confederated Tribes is empowered to seize, attach, and forfeit to the Colville Confederated Tribes any property belonging to any person who shall be alleged or found to have failed to pay taxes due and owing under this Code; provided that the amount of property forfeited shall not be of a wholesale value greater than the amount of taxes alleged or found to be due and owing.

c. Persons sued under this Section by the Liquor Board shall be entitled to a full evidentiary and adversary hearing before the Tribal Court of the Colville Confederated Tribes before any order or forfeiture may be issued. Persons sued under this Section shall have the burden of proving that they do not owe any taxes or that they have been assessed a greater amount of taxes than they lawfully owe under this Code.

21.15.03 *Failure to Obtain a License and all other Violations:*

a. Any person or entity who shall violate any provision of this Code, except non-payment of taxes due, shall be proceeded against in a civil lawsuit by the Liquor Board in the Tribal Court of the Colville Confederated Tribes for an order and injunction closing and locking the liquor sales business. The Tribal Court shall not issue any order or injunction closing any business for a violation of this Code without granting to the defendant the opportunity to have a full evidentiary and adversary hearing before the Tribal Court.

b. The Liquor Board shall bring all persons or entities who violate any provision of this Code, except non-payment of taxes due, to the attention of the Federal Bureau of Investigation and the United States Attorney for the Eastern District of Washington, for the purpose of requesting a federal prosecution of such persons or entities for violations of Federal Indian liquor statutes.

[FR Doc. 83-17040 Filed 6-29-83; 6:45 am]

BILLING CODE 4310-02-M

Plan for the Use and Distribution of Hoopa Valley Tribe Judgment Funds in Dockets 342-70 and 343-70 Before the United States Court of Claims

June 9, 1983.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on March 8, 1982, in satisfaction of the award granted to the Hoopa Valley Tribe in United States Court of Claims Dockets 342-70 and 343-70. As authorized, under the extension of time requested in which to submit a plan for the use or distribution of these judgment funds, a plan was delivered to Congress on December 3, 1982. This plan became effective on April 12, 1983, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The funds appropriated on March 8, 1982, in satisfaction of an award granted to the Hoopa Valley Tribe in Dockets 342-70 and 343-70 before the United States Court of Claims, less attorney fees and litigation expenses, and including all interest and investment

income accrued, shall be used and distributed as provided herein.

Per Capita Aspect

The Secretary of the Interior (hereinafter 'Secretary') shall make a per capita distribution of eighty (80) percent of such funds, in a sum as equal as possible, to each enrollee of the Hoopa Valley Tribe born on or prior to and living on the effective date of this plan. The membership roll of the tribe shall be brought current under existing tribal procedures. Any amount remaining after the per capita payment to the enrollees shall revert to the tribe for use in the programing aspect of this plan.

Programing Aspect

Twenty (20) percent of the funds shall be utilized in economic development programs designed to stimulate and assist the economy on the reservation, subject to the approval of the Secretary.

General Provisions

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 115.5. The per capita shares of minors shall be handled pursuant to 25 CFR 87.10 (a) and (b)(1) and 115.4. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR Part 4, Subpart D.

None of the funds distributed per capita or held in trust under the provisions of this plan shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act."

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 83-17039 Filed 6-29-83; 8:45 am]

BILLING CODE 4310-02-M

Native Village of Northway; Ordinance Providing for the Introduction, Possession and Sale of Intoxicating Beverages

June 14, 1983.

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that Ordinance No. 83-4 relating to the application of the Federal Indian Liquor Laws within an area of Indian country was duly adopted

on January 20, 1983 by the Northway Native Village Council. The Northway Liquor Ordinance reads as follows:

Kenneth Smith,

Assistant Secretary—Indian Affairs.

Native Village of Northway, Northway, Alaska Council Ordinance No. 83-4

Whereas: The Act of Congress of August 15, 1953 (18 U.S.C. 1161, 67 Stat. 586) empowers Indian tribes having appropriate jurisdiction to enact an ordinance legalizing the introduction, sale, and possession of liquor within any area of Indian country coming within the jurisdiction of such tribe; and

Whereas: historically, the Northway Native Village Council has exercised regulatory and judicial jurisdiction over alcohol within the Northway village; and

Whereas: such regulation has declined in the last ten years because of the unclear effect of Pub. L. 280 tribal liquor regulation; and

Whereas: during these last ten years, alcohol problems in Northway have increased and now present a significant health and safety problem to residents of Northway; and

Whereas: the current state local option laws do not provide enough flexibility to meet the needs of Northway, Alaska; and

Whereas: the Ninth Circuit Court of Appeals in *Rehner v. Rice* (9th Cir., June 8, 1982 9 ILR 2084) has ruled that the Federal Indian Liquor Laws preempt State jurisdiction within the Indian country in Pub. L. 280 states,

Now therefore be it ordained as follows:

Section 1: The introduction, sale and possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Native Village of Northway, subject, however, to the following provisions:

(a) introduction and possession of intoxicating beverages shall be exclusively for the personal and private use of the persons introducing such intoxicating beverages into the Indian country of the Native Village of Northway.

(b) sale of intoxicating beverages within the Indian country of the Native Village of Northway shall be pursuant to license and regulations issued by the Northway Native Village Council, and

(c) to the extent required by Federal law, such introduction, sale and possession shall be consistent with the laws of the State of Alaska.

Section 2. As used in connection with this Ordinance:

(a) the term "personal and private use" shall mean consumption or other